

Serial No. 10/553,156
Amendment Under 37 C.F.R. § 1.111
March 29, 2007

REMARKS

The present application includes pending claims 1-25. Claims 1-6, 9, 10, and 16-25 were rejected. By this Amendment, claim 21 has been amended as set forth above to correct a typographical error. Claims 7, 8, and 11-15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Abstract of the present application has also been amended per the suggestions in the Office Action.

Claims 1, 2, 4, 5, 9, 10, 16, 17, 19-21, and 23-25 stand rejected under 35 U.S.C. 102 as being anticipated by United States Patent No. 6,612,081 ("Cole"). Claims 3, 6, 18, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of United States Patent No. 5,422,434 ("Wuertz"). The Applicant respectfully traverses these rejections for at least the following reasons:

I. Cole Does Not Anticipate Claims 1, 2, 4, 5, 9, 10, 16, 17, 19-21, And 23-25

The Applicant first turns to the rejection of claims 1, 2, 4, 5, 9, 10, 16, 17, 19-21, and 23-25 as being anticipated by Cole. Cole discloses a "water-tight cover assembly 2 for an in-floor fitting." *See* Cole at column 2, lines 45-47. The Cole assembly 2 "includes a trim flange 3, a slide holder or cover plate 4, a **first** or internal seal member 5, and a **second** or external seal member 6." *Id.* at column 2, lines 47-49 (emphasis added). Cole discloses only two seal members, namely seal member 5 and seal member 6.

The Office Action asserts that Cole discloses three seal members, namely seal member

346, seal member 5, and seal member 6. *See* February 12, 2007 Office Action at page 3.

However, Cole discloses that 346 refers to “ribs” that are part of the first seal member 5.

FIGS. 4 and 5 illustrate how the first and second seal members 5, 6 prevent moisture from infiltrating the inner compartment of the fitting 10. **The first, or internal seal member 5** is in the form of a generally planar gasket which is interposed or sandwiched between the cover plate 4 and the trim flange 3. The first seal member 5 is made out of a material such as santoprene, which can be injection molded or press molded. **The first seal member 5 has a plurality of access openings 340** which overlie the receptacles 24, 28 to provide access to the receptacles through the cover plate 4. In particular, the first seal member 5 includes a pair of power access openings 342a, 342b, each of which overlies one of the outlets 90 in the power receptacle 24. The first seal member also includes a pair of communication/data access openings 344a, 344b, each of which overlies a pair of the communication/data receptacles 28. It will be appreciated that separate communication/data access openings 344 could be provided for each of the communication/data receptacles 28. Moreover, the access openings for the power receptacles 24 could be in the form of slits which overlay the blade openings 92 in the receptacle, as is shown in U.S. Pat. No. 5,017,153. **Ribs 346 extend upwardly around the perimeter of the access openings** and wrap around the receptacles 24, 28. Each of the ribs 346 is positioned to engage against the bottom face of a respective access door 302 when the door is at closed position so as to seal against water infiltration into the fitting.

Cole at column 9, lines 35-61 (emphasis added). As shown above, the first seal member 5 includes a plurality of access openings 340. Ribs 346 extend upwardly around the access openings. Thus, the ribs 346 are part of the first seal member 5, but not a separate and distinct seal member. Indeed, if Cole did disclose another seal member, it surely would have been described as a “third seal member” considering it specifically recites a “first or internal seal

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member 5, and a second or external seal member 6.” However, Cole does not describe, teach, or suggest a separate and distinct third seal member. In general, Cole does not describe, teach, or suggest first, second, **and** third seal members as recited in independent claims 1, 21, 24, and 25 of the present application. Thus, for at least these reasons, Cole does not anticipate claims 1, 2, 4, 5, 9, 10, 16, 17, 19-21, and 23-25.

II. The Proposed Combination Of Cole And Wuertz Does Not Render Claims 3, 6, 18, And 22 Unpatentable

The Applicant next turns to the rejection of claims 3, 6, 18, and 22 as being rendered unpatentable over the proposed combination of Cole and Wuertz. The Applicant respectfully submits that this proposed combination does not render claims 3, 6, 18, and 22 unpatentable for at least the reasons discussed above.

III. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements become relevant by appearing in a rejection of any pending or future claims).

The Applicant respectfully submits that all of the pending claims of the present application should be in condition for allowance for at least the reasons discussed above and request reconsideration of the claim rejections. If the Examiner has any questions or the

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Applicant can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the
Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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